

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

The Wave Studio, LLC

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/5/2023

Plaintiff

Case Number

vs.

7:23-cv-03586

Trivago N.V., Trivago Services US, LLC, Trip.com
Group Limited, Trip.com Travel Singapore Pte.
Ltd., Skyscanner Ltd., MakeMyTrip India Pvt. Ltd.
and MakeMyTrip.com, Inc.

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

THE WAVE STUDIO, LLC, a New York
Limited Liability Company

Plaintiff

Case Number

vs.

7:13-cv-09239-CS-PED

General Hotel Management
Ltd., et al.

Defendant

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

On July 3, 2014, the Court stayed the case as to all defendants except General Hotel Management Ltd. ("GHM") (Dkt. 67). On March 10, 2017, the Court granted GHM's Motion for Summary Judgment, severing GHM from all other Defendants and dismissing all claims against GHM on forum non conveniens grounds only. (Dkt. 209). The case remains stayed as to all other defendants. On January 18, 2022, the High Court of the Republic of Singapore ruled in favor of Plaintiff on liability in this action. On February 13, 2023, the Appellate Division of the High Court of the Republic of Singapore affirmed the lower court's ruling. There was no further appeal and the rulings are final. Plaintiff intends to move to lift the stay.

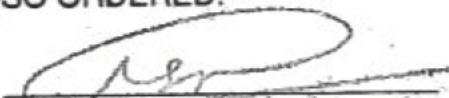
Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The newly filed case and earlier filed case involve common questions of law and fact. In both cases, Plaintiff The Wave Studio, LLC brings a claim for copyright infringement based on the same registered photographic works (see chart at Complaint, ¶ 27). Plaintiff alleges in the newly filed case, as it does against several Defendants in the earlier filed case, that Defendants in the newly filed case committed acts of copyright infringement by improperly using Plaintiff's copyrighted works without authorization for their own financial gain, including but not limited to, using Plaintiff's copyrighted works on Defendants' websites, mobile sites and apps and in various photo galleries and promotional materials, all of which are generating traffic to and revenue for Defendants' businesses. Defendants, like several of the Defendants named in the earlier filed case, promote and advertise bookings to the boutique and high-end hotels featured in Plaintiff's copyrighted works. In addition, in both cases the same issue of copyright ownership over the copyrighted works applies. All of Plaintiff's copyright cases involving the same questions of law and fact and the same copyrighted works have been deemed related cases and have been consolidated and jointly administered in the above-captioned related case.

Plaintiff is directed to make the application before Judge Seibel if she seeks to have the case considered as related to C.A. No.13-cv-9239

SO ORDERED:

Dated: May 5, 2023
White Plains, NY


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Signature: Gabriel Berg

Date: 04/28/2023

Firm: Robins Kaplan LLP